

VZCZCXRO9242
OO RUEHNH
DE RUEHML #1642 1380810
ZNR UUUUU ZZH
O 180810Z MAY 07
FM AMEMBASSY MANILA
TO RUEHC/SECSTATE WASHDC IMMEDIATE 6563
INFO RUEHNH/AMCONSUL NAHA IMMEDIATE 0102
RHHMUNA/CDRUSPACOM HONOLULU HI IMMEDIATE
RUEKJCS/JOINT STAFF WASHINGTON DC IMMEDIATE
RUEKJCS/SECDEF WASHDC IMMEDIATE

UNCLAS MANILA 001642

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E.O. 12958: N/A
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SUBJECT: MARINE CASE UPDATE 05/18/2007

REF: MANILA 1369

¶1. (SBU) Attorneys for Lance Corporal Daniel J. Smith confirmed on May 18 that they would submit Smith's appellate brief to the Court of Appeals before the May 19 deadline. The Philippine Solicitor General is aware of this development and had earlier indicated that her office will move to submit the government response as expeditiously as possible.

¶2. (SBU) Smith remains in U.S. custody on Chancery grounds and continues to be in good condition following his hospitalization for a non-life threatening condition in late April. He has resumed receiving regular visits from his Philippine pastors and lawyers as well as Embassy medical personnel. He is still restricted to non-strenuous activity and has yet to resume his exercise routine, but his spirits are good.

¶3. (SBU) Since the brief media coverage on his hospitalization in April, virtually all Philippine media have been focused on mid-term elections, and there has been no media attention to Smith nor inquiries to the Embassy's Public Affairs Section.

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